

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WHIRLPOOL PROPERTIES, INC.,
WHIRLPOOL CORPORATION,
MAYTAG PROPERTIES, LLC,

Plaintiffs,

v.

ASSCON INTERNATIONAL COMPANY
LIMITED LLC

Defendant.

Civil Action No. 2:20-CV-00042-JRG

**PLAINTIFFS' APPLICATION FOR ISSUANCE OF
WRIT OF GARNISHMENT AFTER JUDGMENT**

In this application Plaintiffs, Whirlpool Corporation, Whirlpool Properties, Inc., and Maytag Properties, LLC (collectively, "Plaintiffs" or "Whirlpool"), hereby request that this Honorable Court issue a writ of garnishment after judgment, pursuant to Fed. R. Civ. P. 64 and Tex. Civ. Prac. & Rem. Code §§ 63.001 - .008, as to **PayPal Inc.** ("Garnishee"), and as grounds therefore, states as follows:

STATEMENT OF FACTS

On April 27, 2020, this Court entered a Final Default Judgment and Permanent Injunction (the "Permanent Injunction") (the "Judgment") in this matter in favor of Whirlpool and against Defendant Asscon International Company Limited LLC ("Asscon" or "Defendant").¹ (Docket No.

¹ By Order dated February 18, 2020, this Court severed this case from the Lead Case Number 2:19-cv-00151-JRG, designating this action a Member Case, see *Whirlpool Properties, Inc. v. Asscon Int'l Co. Ltd, et al*, Case No. 19-cv-00151-JRG, Dkt. No 76. The Court severed claims

3.) In the Judgment, the Court awarded statutory damages of \$919,706.37 in favor of Whirlpool and against Defendant pursuant to 35 U.S.C. § 284 and \$156,072.50 against Defendant pursuant to 35 U.S.C. § 285. To date, the Judgment remains outstanding and has not been satisfied.

ARGUMENT

Garnishment is an available remedy in satisfaction of a final judgment. FED. R. CIV. P. 64(a). In the State of Texas, a writ of garnishment is available if the plaintiff has a valid, subsisting judgment and makes an affidavit stating that, within plaintiff's knowledge, the defendant does not possess property in Texas subject to execution sufficient to satisfy the judgment. TEX. CIV. PRAC. & REM. CODE § 63.001(3).

The Judgment in this action is final, is not currently on appeal, does not have a supersedeas bond, and does not have a pending motion that would preclude the issuance of the writ. Defendant does not possess property in Texas subject to execution to satisfy the Judgment against it. Defendant continues to hide and evade from this substantial unsatisfied Judgment. Defendant has done business using the PayPal accounts identified on Schedule "A" hereto. It is not possible for Whirlpool to determine the exact amount of money present in Garnishee's possession at this time. Accordingly, Whirlpool seeks garnishment in the amount of \$1,075,778.87 which does not exceed the total Judgment amount.

WHEREFORE, Plaintiffs, Whirlpool Corporation, Whirlpool Properties, Inc., and Maytag Properties, LLC, request that said Writ of Garnishment be entered against PayPal, Inc.

against CSWY International Limited ("CSWY") into a second Member Case, Case Number 20-cv-00043-JRG.

Dated: March 22, 2021

Respectfully submitted

/s/ Melissa R. Smith

Melissa R. Smith (TX State Bar No. 24001351)

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**ATTORNEYS FOR PLAINTIFFS,
WHIRLPOOL PROPERTIES,
INC., WHIRLPOOL
CORPORATION, AND MAYTAG
PROPERTIES, LLC**

SCHEDULE "A"
SUBJECT DOMAIN NAMES
AND PAYPAL ACCOUNTS

Subject Domain Name	PayPal Account
Clatterans.com	info@clatterans.com
Clatteransonline.com	gsslxxrp@limei-trading.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 22, 2021, I electronically filed the foregoing with the Court of Clerk by using the CM/ECF system, a copy of which will be served upon all counsel of record registered with the CM/ECF system via Notice of Electronic Filing.

/s/ *Melissa R. Smith*